

KDHE/BER

Environmental Use Controls



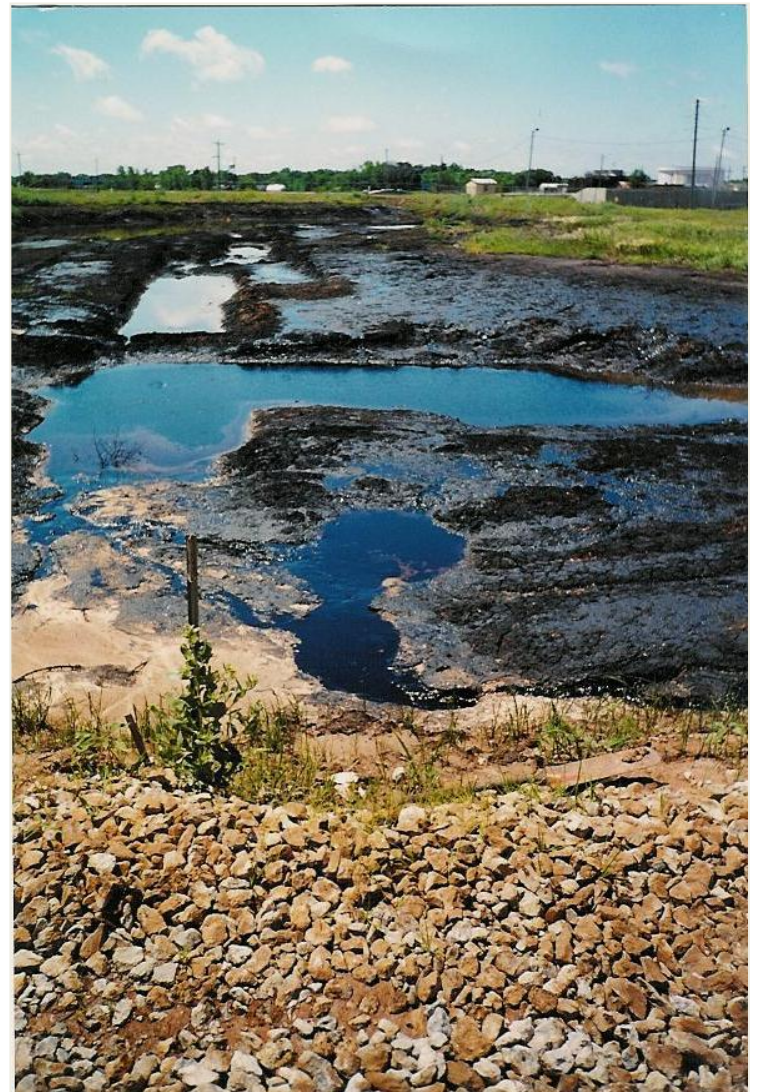
Our Mission: To protect and improve the health and environment of all Kansans.

Purpose of EUCs

K.S.A. 65-1,222: “. . . to ensure future protection of public health and the environment when environmental contamination which exceeds department standards for unrestricted use remains on the property following the appropriate assessment and/or remedial activities . . .”

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Establishing EUCs

1. **Application by Owner (or Authorized Representative) requesting restrictions**
2. **EUC Agreement (EUCA) drafted by KDHE**
3. **EUCA signed by KDHE and Owner, then recorded at the County Register of Deeds**

EUC Applications

- Standard form found on the KDHE/BER website
- Must include enough information about the contamination and the property for KDHE to accurately prepare the EUCA



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EUCA Components

DOCUMENT NUMBER: ##-EUC-###
PROJECT NUMBER: C#-###-#####
PROPERTY CATEGORY: #

ENVIRONMENTAL USE CONTROL AGREEMENT

[NAME], <if a corporation insert "a state where company is registered" corporation>, having a mailing address of <insert property address, city state>, hereinafter referred to as "the Owner", is the owner of real property known as the _____ Site, in the County of <insert county>, Kansas, as shown on the map attached hereto as Exhibit A, hereinafter referred to as "the Property", and more particularly described by the following legal description:

<insert legal description here as it appears on the most recent deed or most recent legal survey>

And which shall likewise include any and all parcels contained therein.

WHEREAS the Owner has requested, by application to the Kansas Department of Health and Environment, hereinafter referred to as "KDHE", to restrict, prohibit and/or limit certain uses of the Property in accordance with Kansas Statutes Annotated (K.S.A.) 2010 Supp. 65-1,221 *et seq.*

KDHE has approved the Owner's application to restrict, prohibit, and/or limit certain uses of the Property since residual contamination, which exceeds department standards for unrestricted residential use, remains on the Property.

The conditions at the Property as of the date of KDHE's approval of the application are as follows:

<insert description of conditions at site>

KDHE has determined, based on conditions at the Property, the application and other information pertaining to the Property, that environmental use controls are appropriate to ensure future protection of public health and the environment, subject to the conditions herein. Therefore, in accordance with K.S.A. 2010 Supp. 65-1,226 and the rules and regulations promulgated thereunder, the Property is hereby designated by KDHE as a Category <insert category> property.

The Owner acknowledges that this Agreement runs with the land and is binding on all successors in interest in the Property pursuant to K.S.A. 2010 Supp. 65-1,227(b); and is enforceable by KDHE pursuant to K.S.A. 2010 Supp. 65-1,229, unless and/or until such requirements are mutually

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- Restrictions
- Legal Description
- Exhibit
- KDHE Access
- Funding
- Inspection and Maintenance requirements

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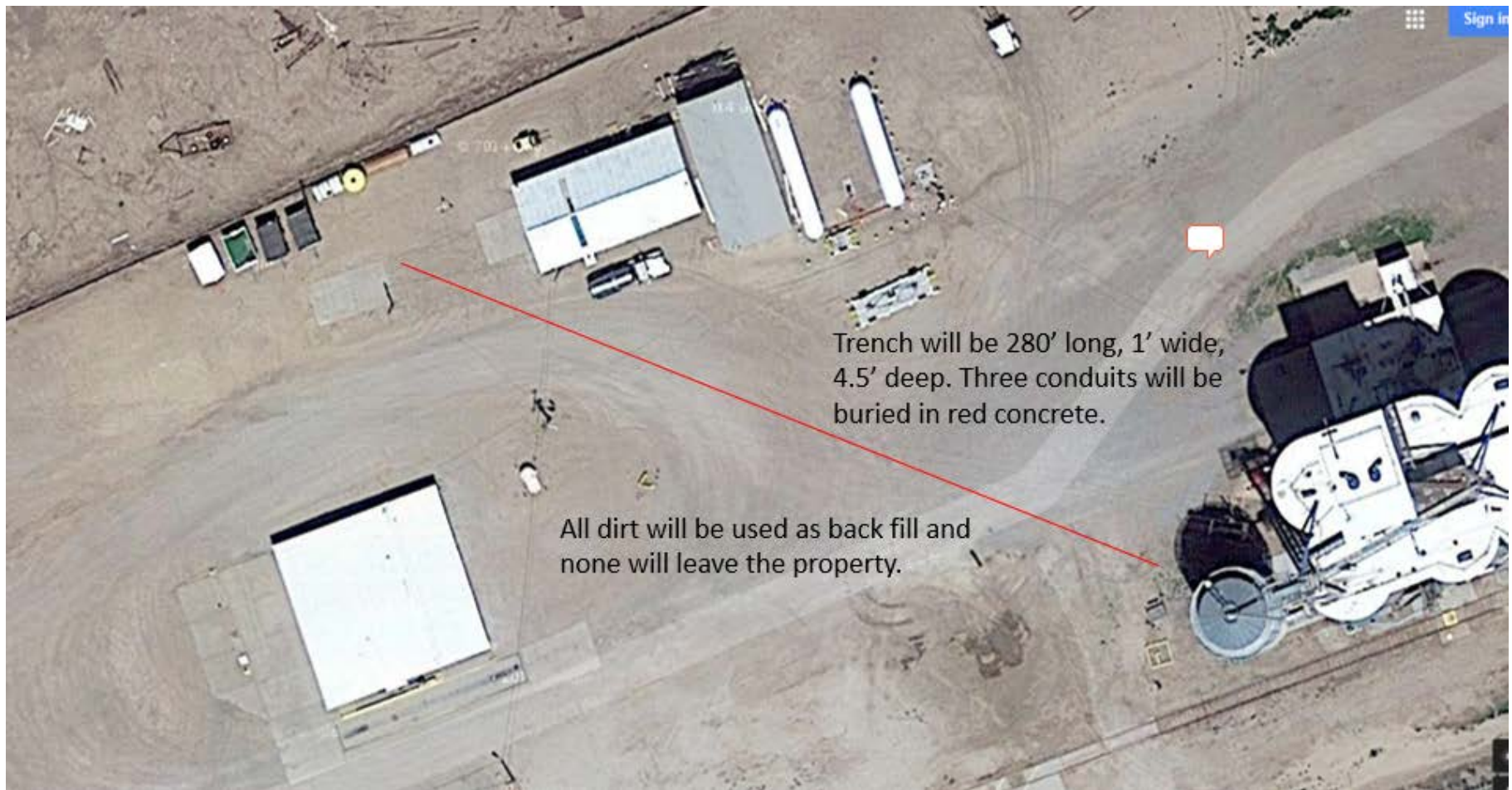


Established EUCs - Inspections

- Inspections may be by KDHE or the Owner.
- Frequency from twice a year to once every five years
- KDHE will contact the Owner to arrange a time.



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EUCs & Property Transactions

- EUCs continue on after a property transaction.
- Each EUCA requires the Owner to provide notice to KDHE of the sale of the property.
- Each EUCA requires the Owner to include in any property transfer document a provision requiring the new owner to comply with the terms of the EUCA.

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WEIGAND AUCTION

ABSOLUTE AUCTION! BANKRUPTCY ORDERED SALE!

Friday, August 28th @ 10:00 a.m., Held On-Site

Multi-Building Commercial/Industrial Facility at 1110 N. Mosley Ave., Wichita, KS



Lot Size: 39,151 sq. ft.

Zoning: Limited Industrial

Building Size:
20,389 sq. ft.

Overhead Doors: 7

Year Built:
1954 - 1990

Ceiling Heights:
Various heights

Construction Type: Masonry, Block

2014 Taxes:

General - \$10,353.60
Specials - \$44.55

Comments: ABSOLUTE AUCTION! Great opportunity for an owner occupant or investor to purchase a centrally located multi-building industrial facility. This property features seven overhead doors, offices, and industrial space. There is a fenced-in area and vacant parking lot also included in the sale. Call today for more details.

Environmental/Use Control Agreement: Subject property is under this agreement. Details available upon request.



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Other EUC Issues

- Structural Impediments
- Converting Old Restrictive Covenants to EUCAs
- Long-Term Care Agreements



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Questions?

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